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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|-------------------------------------------|------------------|----------------------|---------------------|------------------|--|
| 10/721,995 | 11/26/2003 | Takashi Suzuki | 032038 | 6536 | |
| 38834 759 | 90 10/21/2005 | | EXAM | EXAMINER | |
| WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP | | | ADAMS, GR | ADAMS, GREGORY W | |
| SUITE 700 | TICUT AVENUE, NW | | ART UNIT | PAPER NUMBER | |
| | N. DC 20036 | | 3652 | | |

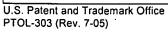
Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | | |
|------------------|-----------------|--|--|
| 10/721,995 | SUZUKI, TAKASHI | | |
| Examiner | Art Unit | | |
| Gregory W. Adams | 3652 | | |

| | Oregory VV. Adams | 3032 | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------|
| The MAILING DATE of this communication appe | ars on the cover sheet with the o | correspondence add | lress |
| THE REPLY FILED <u>07 September 2005</u> FAILS TO PLACE THI | S APPLICATION IN CONDITION F | OR ALLOWANCE. | |
| 1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods: | the same day as filing a Notice of ving replies: (1) an amendment, aftice of Appeal (with appeal fee) in the with 37 CFR 1.114. The reply m | Appeal. To avoid aba fidavit, or other evider compliance with 37 C | nce, which FR 41.31; or (3) |
| a) The period for reply expiresmonths from the mailing | | | • |
| b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire a Examiner Note: If box 1 is checked, check either box (a) or (| ater than SIX MONTHS from the mailin | g date of the final rejecti | on. |
| TWO MONTHS OF THE FINAL REJECTION. See MPEP 7 | | C / INC / NE/ E/ W/NO / | ices within |
| Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL | on which the petition under 37 CFR 1. tension and the corresponding amount shortened statutory period for reply origing than three months after the mailing date. | of the fee. The approprinally set in the final Offi | iate extension fee ice action; or (2) as |
| 2. The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any external hor been filed any rook must be filed. | nsion thereof (37 CFR 41.37(e)), to | avoid dismissal of th | |
| a Notice of Appeal has been filed, any reply must be filed AMENDMENTS | within the time period set forth in 3 | 57 CFR 41.37(a). | |
| | | | |
| The proposed amendment(s) filed after a final rejection, They raise new issues that would require further co | nsideration and/or search (see NO | | ecause |
| (b) ☐ They raise the issue of new matter (see NOTE belo | • • | | |
| (c) They are not deemed to place the application in bef appeal; and/or | ter form for appeal by materially re | educing or simplifying | the issues for |
| (d) They present additional claims without canceling a | corresponding number of finally rei | iected claims. | |
| NOTE: (See 37 CFR 1.116 and 41.33(a)). | | ,00.00 | |
| 4. The amendments are not in compliance with 37 CFR 1.1. | | ampliant Amandment | (DTOL 324) |
| · | | Amphant Amendment | (FTOL-324). |
| 5. Applicant's reply has overcome the following rejection(s) | | | |
| Newly proposed or amended claim(s) would be al non-allowable claim(s). | · | • | , |
| 7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: | | ill be entered and an e | explanation of |
| Claim(s) allowed: | | | |
| Claim(s) objected to: | | | |
| Claim(s) rejected: <u>1-6</u> . | | | |
| Claim(s) withdrawn from consideration: | | | |
| AFFIDAVIT OR OTHER EVIDENCE | | | |
| The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). | | | |
| 9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessar | vercome <u>all</u> rejections under appe | al and/or appellant fa | ils to provide a |
| The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER | n of the status of the claims after e | entry is below or attacl | hed. |
| 11. The request for reconsideration has been considered but | t does NOT place the application i | n condition for allowa | nce because: |
| 12. Note the attached Information Disclosure Statement(s). 13. Other: | (PTO/SB/08 or PTO-1449) Paper I | No(s) | lilli |
| | | EILEEN SUPERVISORY P | D. LILLIS |
| | | | |

TECHNOLOGY CENTER 3600



Continuation Sheet (PTO-303)

Application No.

With respect to claim 1, lines 5-7, it is unclear how a load/unload direction horizontal requires a new search. In addition, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., an orthogonal direction distinguished from a vertical direction) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).